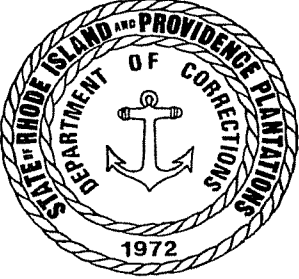



# RHODE ISLAND DEPARTMENT OF CORRECTIONS

## POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 28.25-1 DOC	<b>EFFECTIVE DATE:</b> 03/29/04	<b>PAGE 1 OF 7</b>
	<b>REPEALS:</b> 28.25 DOC	<b>DIRECTOR:</b> <span style="float: right;">Please use BLUE ink.</span> 	
<b>SECTION:</b> PROBATION AND PAROLE FIELD SERVICES		<b>SUBJECT:</b> ADULT PROBATION AND PAROLE OFFENDER FEES	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-38, Assessment of costs; § 13-9.1-1.3, The interstate compact for adult offender supervision			
<b>REFERENCES:</b>			
<b>INMATE / PUBLIC ACCESS?</b>		X YES	
<b>AVAILABLE IN SPANISH?</b>		X NO	

### I. PURPOSE:

To describe procedures for assessing, collecting, and/or waiving Adult Probation and Parole offender fees.

### II. POLICY:

The Rhode Island Department of Corrections (RIDOC) assesses and collects fees from offenders who:

- A. are placed under the supervision of Probation pursuant to adjudication in the District and Superior Courts of Rhode Island; or
- B. are paroled by the Rhode Island Parole Board; or

Public Notice: 10-12-2003

Public Hearing: 11-20-2003

INTERSTATE TRANSFER APPLICATION  
PROCESSING FEE ONLY.

- C. are accepted for courtesy supervision in Rhode Island under the Interstate Compact for Adult Offender Supervision; or
- D. apply to other states for courtesy supervision under the Interstate Compact for Adult Offender Supervision.

### III. PROCEDURES:

#### A. Supervision Fee Assessment

##### 1. Offenders Adjudicated in Rhode Island

- a. Upon intake of an adjudicated offender placed under probation or parole supervision, the offender is informed of the offender supervision fee (\$15.00 per month) and the method of payment (see Attachment 1, Adult Probation and Parole Notice: Probation and Parole Offender Fees).
- b. The offender supervision fee is charged throughout the period of supervised probation or parole. Offenders are liable for payment of the fifteen dollar (\$15.00) offender supervision fee for each calendar month or portion of a calendar month during which they are under the jurisdiction of Adult Probation and Parole; except that offenders shall not be charged the supervision fee if/when Adult Probation and Parole formally suspends supervision (i.e., banks or closes a case) for any period of time exceeding one (1) month.
- c. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the full monthly fee. Potential causes for waiver must be in accordance with established criteria in Section III.F.

##### 2. Interstate Probation and Parole Offenders

- a. Upon receipt of an interstate request for acceptance of supervision, the Interstate Compact Office forwards the case to a Probation or Parole Officer for investigation.
- b. The investigating Probation or Parole Officer informs the offender of the offender supervision fee (\$15.00 per month) and the method of

payment (see Attachment 1, Adult Probation and Parole Notice: Probation and Parole Offender Fees).

- c. The offender supervision fee is charged throughout the period of courtesy interstate supervision, becoming effective immediately upon acceptance of supervision. Offenders are liable for payment of the fifteen dollar (\$15.00) offender supervision fee for each calendar month or portion of a calendar month during which they are under the jurisdiction of Adult Probation and Parole; except that offenders shall not be charged the supervision fee if/when Adult Probation and Parole formally suspends supervision (i.e., banks or closes a case) for any period of time exceeding one (1) month.
- d. The Interstate Compact Office notifies the sending state when a referred case is accepted and forwards the case to the area office for assignment to a supervising Probation or Parole Officer.

**B. Interstate Transfer Application Processing Fee Assessment**

- 1. An interstate transfer application processing fee is assessed and collected from any offender who:
  - a. resides in Rhode Island, is currently supervised on probation or parole in Rhode Island, and wishes to transfer to another state; or
  - b. resides in a state other than Rhode Island, is newly placed on probation or parole in Rhode Island, and wishes to be supervised in his/her "home" state.
- 2. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the full interstate transfer application processing fee.

**C. Payment of Fees**

- 1. The central Adult Probation and Parole office informs the authorized collection agency (as determined through established State contract procedures) of the names, dates of birth, mailing addresses, and other objective data about offenders subject to offender fees to enable the agency to contact them for payment.

- a. Information is shared by computer, telephone, and/or in writing, in accordance with methods agreed upon by the State and the agency.
- b. Confidential information about offenders (including the nature of their charges) is not shared.

2. Supervision Fees

Participating offenders periodically receive a written account statement from the contracted collection agency, and offenders pay fees directly to the collection agency. Payment must be in the form of a check or money order made payable to and delivered by mail to the collection agency.

3. Interstate Transfer Application Processing Fees

Payment, in the form of a check or money order made payable to and delivered by mail to the collection agency, must be made prior to an interstate application's being fully processed.

4. The collection agency is responsible for collecting, recording, and reporting and forwarding all offender fee payments to the State of Rhode Island, in accordance with terms established as part of the contract process.

D. Reporting Responsibilities

1. The contracted collection agency provides regular notification to RIDOC's Financial Resources Unit regarding fees collected.
2. The contracted collection agency makes direct bank deposits to a State account on a regular basis, as provided in the contract between the State of Rhode Island and the agency.
3. It is the responsibility of Adult Probation and Parole staff to notify participating offenders and the collection agency of changes in offender status or supervision responsibility that affect the agency's billing of offenders for the supervision fee (Attachment 2).
  - a. Adult Probation and Parole staff shall notify the collection agency if a previously waived offender becomes liable for the offender supervision fee, when supervision of a banked or otherwise unsupervised case is resumed.

- b. Adult Probation and Parole staff shall notify the collection agency if a waiver of fees is granted after an offender has been registered with the collection agency for the offender supervision or interstate transfer application processing fee.
  - c. The receiving office of Adult Probation and Parole shall notify the collection agency of transfers in case supervision responsibility from one Probation and Parole Officer to another.
4. It is the offender's responsibility to notify both Adult Probation and Parole and the collection agency of any change of address.

E. Non-Compliance

1. Supervision Fees

- a. In the event an offender does not maintain the schedule of payments, and has not been granted a waiver, Adult Probation and Parole staff reinforce with the offender the importance of making regular payments. The offender is reminded as necessary of the lawful obligation to pay all assessed fees, and is made aware that the collection agency can pursue payment owed through civil remedies, even beyond the term of probation or parole.

- b. Offenders Adjudicated in Rhode Island

The probation or parole of offenders adjudicated in Rhode Island shall not be violated for non-payment of offender fees.

- c. Interstate Probation and Parole Offenders

Should interstate offenders continue in failing to make payments, the following graduated sanctions are available:

- (1) The Interstate Office is notified by the Probation or Parole Officer of an offender's failure to comply with fee payment. The Interstate Office informs the sending state and requests the offender be ordered to comply.
- (2) Upon further non-compliance, the Interstate Office may inform the sending state that we are no longer able to provide

courtesy supervision; may request a warrant be issued; and may return the case to the sending state's jurisdiction. Community safety considerations shall enter into any decision to terminate supervision of an offender who remains in Rhode Island.

2. Interstate Transfer Application Processing Fees

In the event an offender does not pay the application processing fee, his/her application for interstate supervision will not be processed, and s/he will not be approved for transfer to another state.

F. Offender Fee Waiver Criteria

1. There is a presumption that supervised offenders have the ability and obligation to pay assessed fees in full unless and until the offender demonstrates otherwise to Adult Probation and Parole staff. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay any fee assessed under this procedure.
2. Supervisory consultation and approval are required for any grant of permanent or temporary waiver of the monthly assessment (see Attachment 3, Adult Probation and Parole Waiver – Fee Assessment form). Temporary waivers are to be reviewed by the Probation and Parole Officer and/or Supervisor bi-monthly, or at intervals appropriate to the situation.
3. Supervisory consultation and approval are also required for any waiver of an interstate transfer application processing fee.
4. Waiver criteria to be considered include evidence of one or more of the following situations, along with evidence of undue hardship caused by payment of offender fees:
  - a. Offender is recovering from an accident or significant illness, and has insufficient financial resources.
  - b. Offender is unemployed and actively seeking work, or is receiving state income assistance.

- 
- c. Offender has a physical or mental disability which precludes earning sufficient income.
  - d. Offender/offender's family is experiencing temporary financial difficulty or crisis due to extraordinary circumstances.
  - e. Offender's financial support of dependents could be jeopardized by payment of offender fees.
  - f. Offender is a full-time student in an academic or vocational training program, and has insufficient financial resources.
  - g. Offender is retired and on limited fixed income.
  - h. Offender is actively participating in an inpatient treatment program.
  - i. Offender is incarcerated awaiting trial.
  - j. Offender/offender's family is experiencing other extenuating circumstances which affect ability to pay.

RHODE ISLAND DEPARTMENT OF CORRECTIONS  
ADULT PROBATION AND PAROLE

NOTICE:

PROBATION AND PAROLE OFFENDER FEES

Supervision Fees

As of March 17, 2008, all individuals who are under active probation or parole supervision in Rhode Island are required to pay an offender supervision fee. The fee of \$20.00 per month must be paid for each month of supervised probation or parole.

All fees are collected by a private company under contract with the State of Rhode Island for this purpose. A bill will be sent to each offender on a regular basis. Payment must be by check or money order made payable to the collection agency and delivered by mail.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your probation or parole has terminated.

You will be held responsible for payment of the full \$20.00 for every month of supervision unless and until you demonstrate to your Probation or Parole Officer that payment of these fees would cause unreasonable financial hardship. You must apply to your Probation or Parole Officer for any waiver of the fee, which will be reviewed on a regular basis.

Individuals being supervised on probation or parole are legally obligated to pay these fees. These fees have been instituted under the authority of Rhode Island General Laws §42-56-10 (22), Powers of the Director, and §42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on February 14, 2008.

Interstate Transfer Application Fee

All individuals who wish to apply for transfer of their probation or parole supervision to another state are required to pay an application fee of \$60.00. Each application for interstate transfer must be accompanied by payment of the fee, which must be completed prior to approval for transfer to another jurisdiction.

Offenders who reside in states other than Rhode Island and have been placed on probation or parole in Rhode Island may apply to return to their "home" states and have supervision transferred. In addition, offenders on probation or parole who reside in Rhode Island and wish to move to another state may also request to have supervision transferred. Decisions

Public Notice: 01/13/08

**RECEIVED**

Public Hearing: 02/14/08  
(Offender Supervision Fee)

FEB 19 2008

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ADMINISTRATIVE RECORDS

*Arthur T. W. W. II*

regarding transfer of supervision are made by the sending state and the receiving state based upon established criteria.

If you wish to apply for transfer of supervision to another state, you will be required to pay an interstate transfer application processing fee of \$60.00. All fees are collected by a private company that is under contract with the State of Rhode Island for this purpose. A bill will be sent to you, and payment must be by check or money order made payable to the collection agency and delivered by mail. If you are unable to afford the \$60.00 fee, you must be able to demonstrate to the Interstate Compact office or to your Probation or Parole Officer that payment of the fee would cause unreasonable financial hardship.

Failure to pay the application fee in a timely manner (unless waived for financial hardship) could result in the transfer application not being processed, and transfer of supervision not being approved. In addition, if you have been subject to paying a monthly supervision fee in Rhode Island, your payments must be current and up-to-date prior to your Interstate transfer application being processed. Payment of the fees will enable the processing of your application to proceed, but does not guarantee that transfer of supervision will be approved.

This fee has been instituted under the authority of Rhode Island General Laws section 42-56-10 (22), Powers of the Director, and section 13-9.1-1.3, the Interstate Compact for Adult Offender Supervision.

All fees are deposited to the State of Rhode Island General Treasury, in accordance with law.

Public Notice: 01/13/08

Public Hearing: 02/14/08  
(Offender Supervision Fee)

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RHODE ISLAND DEPARTMENT OF CORRECTIONS

ADULT PROBATION AND PAROLE  
OFFENDER FEE EXCEPTION REPORT

*Complete all information indicated for each category.*

ADD / RE-ADD to billing list: (Waiver or non-supervised status no longer applicable.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #	EFFECTIVE DATE
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RETROACTIVE WAIVERS: (To be removed from billing list for any reason, effective prior to current month.) [List as many names as will fit legibly.]

NAME (LAST, FIRST)	DOB	EFFECTIVE DATE
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TRANSFERS: (Receiving office must complete.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #
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Submitted by:

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Probation & Parole Staff

Date

RHODE ISLAND DEPARTMENT OF CORRECTIONS

ADULT PROBATION AND PAROLE  
INTERSTATE TRANSFER APPLICATION PROCESSING FEE  
EXCEPTION REPORT

*Complete all information indicated for each category.*

ADD / RE-ADD to billing list: (Waiver or non-supervised status no longer applicable.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #	EFFECTIVE DATE
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RETROACTIVE WAIVERS: (To be removed from billing list for any reason, effective prior to current month.) [List as many names as will fit legibly.]

NAME (LAST, FIRST)	DOB	EFFECTIVE DATE
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TRANSFERS: (Receiving office must complete.)

NAME (LAST, FIRST)	DOB	STREET/CITY/STATE/ZIP	COUNSELOR #
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Submitted by: \_\_\_\_\_

\_\_\_\_\_  
Probation & Parole Staff

\_\_\_\_\_  
Date

RHODE ISLAND DEPARTMENT OF CORRECTIONS

ADULT PROBATION AND PAROLE

Waiver - Fee Assessment

Date: \_\_\_\_\_

Offender's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Waived due to financial hardship based on:

☐ Unemployed ☐ Full Time Student ☐ Welfare/SSI

☐ Paying for Counseling/Restitution/Court Costs

☐ Non-report Status ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ TEMPORARY (To be reviewed bi-monthly)

☐ PERMANENT ☐ RETRO TO: \_\_\_\_\_

\_\_\_\_\_  
Probation/Parole Staff

\_\_\_\_\_  
Caseload #

\_\_\_\_\_  
Supervisor



State of Rhode Island and Providence Plantations  
A. Ralph Mollis  
Secretary of State

Rules and Regulations Filing Form

**1. Name and Address of Agency**

Corrections, Department of 40 Howard Avenue

**2. Title of Rule**

Probation and Parole Offender Fees

**3. Statutory Source of Authority to Issue These Rules**

RIGL 42-56-10(22), RIGL 42-56-38, RIGL 13-9.1-1.3

**4. Concise Explanatory Statement – §42-35-2.3**

To specify offender fees for supervised probation and parole and interstate transfer application processing and to describe procedures for collecting and waiving said fees.

**5. Type of Filing**

A1. Emergency 120-day initial – §42-35-3(b)

☐ Adoption

☐ Amendment of ERLID:

☐ Repeal of ERLID:

A2. Emergency 90-day renewal – §42-35-3(b)

☐ Adoption

☐ Amendment

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):

☒ B1. Amendment – §42-35-3(a)

☐ B2. Adoption – §42-35-3(a)

☐ B3. Repeal – §42-35-3(a)

☐ C. Technical Revision

☐ D. Refile – §42-35-4.1

Supersedes ERLID: 4493

Repeals ERLID:

Expires ERLID: 0

Refiles ERLID:

If B1 or C, please indicate new, amended, or revised sections; if D, please indicate date of filing prior to refile:  
Paragraphs 1 and 3

**6. Notice and Hearing**

Date of Public Notice – §42-35-3(a)(1): 01/13/2008

Date of Public Hearing – §42-35-3(a)(2): 02/14/2008

**7. Agency Use**

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ADMINISTRATIVE RECORDS

**8. Certification**

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attests:

Name: Chris Caruso

Title: Chief Program Development

Matthew A. Kettle  
Notary Public

Subscribed and sworn before me this 19th day of February, 2008

ERLID#: 5081

MATTHEW A. KETTLE  
Notary Public State of Rhode Island  
No. 53503  
Commission Expires June 23, 2008



# State of Rhode Island and Providence Plantations

A. Ralph Mollis  
Secretary of State

## Rules and Regulations Filing Form

### 1. Name and Address of Agency

Corrections, Department of 40 Howard Avenue

### 2. Title of Rule

Probation and Parole Offender Fees (28.25-1 DOC)

### 3. Statutory Source of Authority to Issue These Rules

42-56-10(22), Powers of the Director; 42-56-38, Assessment of Costs; 13-9.1-1.3, the Interstate Compact for Adult Offender Supervision

### 4. Concise Explanatory Statement - §42-35-2.3

To specify offender fees for supervised Probation and Parole and interstate transfer application processing and to describe procedures for collecting and waiving said fees.

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A1. Emergency 120-day initial - §42-35-3(b)

☐ Adoption

☐ Amendment of ERLID:

☐ Repeal of ERLID:

A2. Emergency 90-day renewal - §42-35-3(b)

☐ Adoption

☐ Amendment

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):

☒ B1. Amendment - §42-35-3(a)

☐ B2. Adoption - §42-35-3(a)

☐ B3. Repeal - §42-35-3(a)

☐ C. Technical Revision

☐ D. Refile - §42-35-4.1

Supersedes ERLID: 2901

Repeals ERLID:

Expires ERLID: 0

Refiles ERLID:

If B1 or C, please indicate new, amended, or revised sections; if D, please indicate date of filing prior to refile:

### 6. Notice and Hearing

Date of Public Notice - §42-35-3(a)(1): 07/02/2006

Date of Public Hearing - §42-35-3(a)(2): 07/26/2006

### 7. Agency Use

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ADMINISTRATIVE RECORDS

### 8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,

Name: Ann M. Gallant

Title: Chief, Probation & Parole

Ann M. Gallant  
Notary Public

Subscribed and sworn before me this 8th day of February, 2007

ERLID#: 4493

Ann M. Gallant

Notary Public

My Commission Expires: 1/05/2010